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FACSIMILE TRANSMISSION

DATE: March 7, 2005

TO: EXAMINER TERESA WALBERG

FACSIMILE NO.: 703-872-9306

FROM: Douglas Wathen

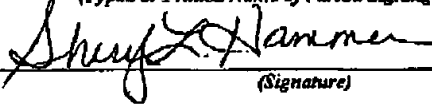
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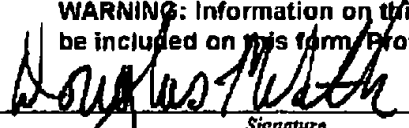
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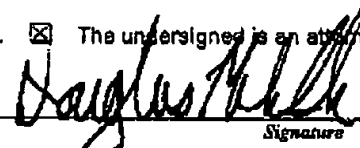
RE: SN 10/690,098

MESSAGE:

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. VTP-10003/36	
Applicant(s): Kolowich			
Application No. 10/690,098	Filing Date Oct. 21, 2003	Examiner T. Walberg	Group, Art. Unit 3742
Invention: THERMAL RECEPTACLE WITH PHASE CHANGE MATERIAL			
I hereby certify that this <u>Amendment, Amendment Transmittal Letter, Terminal Disclaimer</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703/872-9306) on <u>March 7, 2005</u> (Date) <div style="text-align: right;"><u>Sheryl L. Hammer</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</div>			
Note: Each paper must have its own certificate of mailing.			

AMENDMENT TRANSMITTAL LETTER (Small Entity)					Docket No. VTP-10003/36	
Applicant(s): Kolowich						
Application No. 10/690,098	Filing Date 10/21/2003	Examiner T. Walberg	Customer No. 25006	Group Art Unit 3742	Confirmation No. 3741	
Invention: THERMAL RECEPTACLE WITH PHASE CHANGE MATERIAL						
COMMISSIONER FOR PATENTS:						
Transmitted herewith is an amendment in the above-identified application.						
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27						
The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	33 -	20 -	13	x \$25.00	\$325.00	
INDEP. CLAIMS	4 -	3 -	1	x \$100.00	\$100.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$425.00	
<input type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input checked="" type="checkbox"/> A check in the amount of \$425.00 to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1180 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 Douglas L. Wathen Reg. No. 41,369 Gifford, Krass, Groh, Sprinkle et al PO Box 7021 Troy, MI 48007-7021 Tel. 734/913-9300			Dated: March 7, 2005			
CC:			I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ _____ (Date)			
			Signature of Person Mailing Correspondence			
			Typed or Printed Name of Person Mailing Correspondence			

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent					Docket No. VTP-10003/36	
In Re Application Of: Kolowich						
Application No. 10/690,098	Filing Date 10/21/03	Examiner Teresa Walberg	Customer No. 25006	Group Art Unit 3743	Confirmation No. 3741	
Invention: THERMAL RECEPTACLE WITH PHASE CHANGE MATERIAL						
Owner of Record: J. Bruce Kolowich						
<u>COMMISSIONER FOR PATENTS:</u>						
<p>The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,634,417*. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 45%;">  <div style="border-top: 1px solid black; width: 100%;"></div> <p style="text-align: center; margin: 0;">Douglas L. Wathen <small><i>Typed or Printed Name</i></small></p> </div> <div style="width: 45%;"> <p>Dated: March 7, 2005</p> <p>* Claims 38, 40-42 only of the subject application are disclaimed from the term of PN 6,634,417.</p> </div> </div> <div style="margin-top: 20px;"> <input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee. </div>						

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